

Chapter 5.142 - LICENSE FOR LESSORS OF RESIDENTIAL UNITS

Sections:

FOOTNOTE(S):

--- (48) --- * Ord. No. 8186, § 1, adopted March 16, 2010, amended Ch. 5.142 in its entirety to read as set out herein. All attached exhibits are incorporated by reference as if fully set out at length and on file and available for inspection in the offices of the city. Former Ch. 5.142, §§ 5.142.010—5.142.050, pertained to similar subject matter and derived from Ord. 7948 §§ 1—6, adopted 2006; Ord. 8158, adopted Sept. 15, 2009.

5.142.010 - Applicability.

This ordinance [chapter] shall apply to lessors of residential property, defined for purposes of this chapter as:

- A. All landlords and lessors of residential properties, where those residential properties are located within the corporate limits of the city of Granite City, Illinois, as its corporate limits are now or hereafter altered, without regard to the zoning classification of the property. ("Lessor" and "landlord" may be used interchangeably); and
- B. Sellers of contract for deed property, provided:
 - 1. The contract for deed consists of a real estate installment contract for residential real estate entered into on or after April 30, 2010, under which the purchase price is to be paid in installments over a period of less than five years or the amount unpaid under the terms of the contract at the time of the filing of any eviction proceeding referenced in this chapter, including principal and due and unpaid interest, is less than eighty percent of the original purchase price of the real estate as stated in the contract.
 - 2. Sellers of contract for deed property described in this subsection shall be included in the definition of "lessors" for purposes of this chapter.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.020 - License required.

All lessors of residential properties located within Granite City shall first qualify for and possess a current and valid business license for each rental unit, renewable no less often than annually. The license shall be location specific, to the individual residential rental unit or units, and shall not be transferable. The license fee charged shall not be pro rated in the event the license issues less than twelve months before renewal is due. Business licenses for lessors of residential rental units shall expire on the December 31 next following the issuance or renewal of the license. No license for a lessor of residential real estate shall issue to a property owned in whole or in part by a land trust, unless the lessor maintains a full-time, staffed office or apartment manager as lessor's agent, within the corporate limits of Granite City. One business license document issued or renewed by the city clerk may reference more than one residential rental unit within the same building or structure, but each individual rental unit shall be regarded as requiring and receiving its own, individual business license, specific to that individual rental unit.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.030 - Issuance of license.

No residential rental unit shall qualify for a new business license unless the applicant lessor first documents to office of the city inspector:

- A. The lessor and his property manager, should he have one, has/have, or will attend and successfully complete, a seminar conducted or authorized by the Granite City police chief for lessors of residential rental units, no more than three months after the issuance or renewal of the business license,
 - 1. For the purposes of this section only a property manager shall be considered an agent of the property owner; and
 - 2. Any new property managers hired during the term of the business license shall be required to attend and successfully complete said seminar no later than three months after hiring.
- B. The successful completion of any and all inspections required by law or ordinance, of each residential rental unit that is the subject of the applied for license, by the office of the city inspector, for compliance with all applicable city ordinances, and building and safety codes adopted by city ordinance, and
- C. Completion by the lessor of a form of application for license issuance, to be made available to lessors of residential rental units by the office of the city clerk, in a form substantially similar to the attached exhibit A, and

- D. Satisfaction and payment of all liquidated judgments and liens in favor of the city of Granite City, against the applicant lessor, and against and any owner of greater than a one-fourth interest in the residential real estate parcel in which the residential rental unit is located, whether the interest is held directly or indirectly by the judgment debtor, and
- E. The lessor must file with the office of the city clerk and the city inspector, a name and address of a resident of Illinois authorized to accept service of process and of notices concerning business license hearings.

(Ord. No. 8186, § 1, 3-16-2010; Ord. No. 8333, § 1, 1-15-2013)

5.142.040 - Renewal of license.

No residential rental unit shall qualify for a renewed business license unless the applicant lessor first documents to office of the city inspector:

- A. The successful completion of any and all inspections required by law or ordinance, of each residential rental unit that is the subject of the applied for license, by the office of the city inspector, for compliance with all applicable city ordinances, and building and safety codes adopted by city ordinance, and
- B. Completion by the lessor of a form of application for license renewal, to be made available to lessors of residential rental units by the office of the city clerk, in a form substantially similar to the attached exhibit A, and
- C. The lessor must file with the office of the city clerk and the city inspector, a name and address of a resident of Illinois authorized to accept service of process and of notices concerning business license hearings.
- D. It shall be considered grounds for revocation of a renewed license, after notice and hearing, for a lessor to fail to satisfy and pay all liquidated judgments and liens in favor of the city and against the licensed lessor.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.050 - License violation: fine, suspension and revocation.

- A. A citation may be issued by any designated agent or officer of the city of Granite City, as designated and specified in this Granite City Municipal Code Chapter 15.08 et seq., to a licensee under this Granite City Municipal Code Chapter 5.142 et seq. if it is determined there are reasonable grounds to believe said licensee has violated any of the following subsections:

1. The lessor of the residential rental unit allowed or permitted the commission of any act or omission constituting a felony under Illinois law, on the leased premises or on common areas related to the leased premises, or
 2. The commission of four or more violations of city ordinances within any six-month period, within the residential unit, or on common areas related to the rental unit, or
 3. The failure of the licensed lessor to take prompt, diligent and lawful steps to remove the lessees from possession of the rental unit;
 - a. Following notice of the commission of a felony in the rental unit where allowed or permitted by lessee, or
 - b. Following notice of four ordinance violations in the residential rental unit, where allowed or permitted by lessee, or
 - c. Following notice of other violation of the crime-free housing lease addendum, exhibit B, as now or as hereafter amended, where violation of that lease addendum expressly constitutes good cause for termination of the lease.
 4. Failure to comply with any requirement of Section 5.142.030 or Section 5.142.040 of this Granite City Municipal Code, including, but not limited to, failure to pay liquidated judgments and liens owed the city.
 5. Failure to comply with Section 5.142.060 of this Granite City Municipal Code.
 6. Any act of lessee, or guest of a lessee, constituting abuse or harassment of a family or household member under the Illinois Domestic Violence Act (750 ILCS 60 et seq.) as now or as hereafter amended, shall not, by itself, constitute solely for the purposes of this section, a violation of any lease or lease addendum, or cause to suspend or revoke a business license of a lessor of residential real property. However, any simultaneous or concurrent behavior constituting an ordinance violation, felony, or misdemeanor, occurring simultaneously or concurrent with the violation of the Illinois Domestic Violence Act, may be considered by the administrative hearing officer and/or mayor in any hearing conducted to determine the issuance of a fine or the suspension or revocation of the business license of a lessor of residential real estate property, under this section.
 7. Failure to timely pay any fine imposed after hearing under this section.
- B. The administrative hearing officer as interpreted in this Granite City Municipal Code Section 1.01 et seq. shall hear all citations issued under this section.
1. Upon a finding of a violation under this section, the hearing officer shall be authorized to order as to the lessor, any or all of the following:

- a. Fines of no less than fifty dollars and no more than seven hundred fifty dollars per violation under this section;
 - b. Retraining and successful completion of a seminar, conducted or authorized by the Granite City police department, for lessors of residential rental units within a time frame to be determined by the hearing officer;
 - c. Referral of matter to mayor for hearing to determine if lessor license should be suspended or revoked as dictated by Subsection C herein.
- C. The office of the mayor may conduct hearings per Granite City Municipal Code Section 5.02.190 et seq., to suspend or revoke the business license of a lessor of residential rental property, in accordance with city ordinance, where a finding by the administrative hearing officer refers the violation to the office of the mayor, and where after notice and hearing per Section 5.02.190 et seq. by the mayor it is found that a violation under this section has occurred by the lessor, the mayor shall be authorized to order as to the lessor, any and all of the following:
 1. Retraining and successful completion of a seminar, conducted or authorized by the Granite City police department, for lessors of residential rental units, within a time frame to be determined by the mayor;
 2. Suspension of the lessor's business/landlord's license, for a time not to exceed thirty days;
 3. Revocation of the lessor's business/landlord's license;
 4. Imposition and timely payment of a fine in accordance with other city ordinance, including, but not limited to, Ordinance 8158.
- D. Notice: Whenever a citation may be issued by any designated agent or officer of the city of Granite City, as designated and specified in this Granite City Municipal Code Chapter 15.08 et seq., for an alleged violation under this section the licensee/lessor, agent or property manager shall be given notice of such alleged violation. Said violation notice shall:
 1. Be in writing;
 2. Contain a statement of the reason(s) for issuance of the citation, including specific reference to the code(s) being allegedly violated; and
 3. Be served upon the owner, agent or occupant of the dwelling either personally or by first-class mail to licensee's last known address.
- E.

Should a court of competent jurisdiction determine any term, language or provision of this ordinance be null and void, the remainder of this ordinance shall be deemed severable, and remain in full force and effect.

F. The effective date of this amendment shall be June 1, 2013.

(Ord. No. 8344, 4-2-2013)

* Ord. No. 8344, adopted April 2, 2013, amended § 5.142.050 in its entirety to read as set out herein. Former § 5.142.050 pertained to license suspension and revocation and derived from Ord. No. 8186, § 1, adopted March 16, 2010.

5.142.060 - Lease agreement—Addendum.

Every agreement for lease of residential real estate located within the corporate limits of the city of Granite City, executed or renewed after the effective date of this ordinance [chapter], whether oral or written, shall be deemed to include all terms listed on the lease addendum, attached as Exhibit B.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.070 - Severability.

In the event any court of competent jurisdiction should declare any provision of this ordinance [chapter] unenforceable, all remaining provisions of this ordinance [chapter] shall be deemed severable, and shall remain in full force and effect.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.080 - Predeprivation hearing opportunity.

Before the mayor conducts hearings per Granite City Municipal Code Section 5.02.190 et seq., to suspend or revoke the business license of a lessor of residential rental property for cause identified in this chapter, the following procedures shall be followed. Simultaneously with the service of any request made upon a landlord for implementation of eviction or other proceedings to terminate a residential lease, the following procedure shall be followed:

- A. Notice shall be served by U.S. Mail upon the landlord and the tenant, containing at a minimum, a copy of this chapter, the address of the building and zoning administrator, and facts alleging the grounds for revocation or suspension of the lessor's or landlord' license. In the event the tenant and the landlord, or one of them, fails to file a written

grievance under this section with the building and zoning administrator within fifteen days of the date stated on the notice served, the grievance procedure shall be deemed waived. In the discretion of the hearing officer described below, the written grievance may be accepted late. In the event of waiver of the grievance procedure as stated in this subparagraph, the landlord must demonstrate to the mayor compliance with this chapter in a business license hearing, or the mayor may fine, suspend, or revoke the landlord's business license as lessor of residential property, pursuant to this chapter, as stated above.

- B. In the event of the timely filing of a written grievance by the landlord or the tenant under this section, the grievant shall receive a hearing before a hearing officer before any steps are taken toward revocation of the landlord's business license, and before further steps taken by the city to request eviction. The hearing officer conducting the hearing on the grievance of the landlord or tenant described in this chapter, shall be the municipal judge serving before the municipal court, to administer and interpret Granite City Municipal Code Section 1.24.010 et seq. The mayor may select and the Granite City city council may approve, a different individual to serve as hearing officer for the grievance proceedings under this chapter.
- C. The grievant may be the landlord, or the tenant. "Tenant" shall mean the adult person (or persons) (other than a live-in aide):
 - 1. Who resides in the unit, and who entered into the lease as lessee of the dwelling unit, or, if no such person now resides in the unit.
 - 2. Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.
- D. Failure to request a hearing. Failure to request a hearing shall not constitute a waiver by the tenant of his right thereafter to contest an eviction disposing of the eviction complaint in an appropriate judicial proceeding.
- E. Scheduling of hearings. Upon grievant's compliance with this section, a hearing shall be scheduled by the hearing officer promptly. A written notification specifying the time, place and the procedures governing the hearing shall be mailed to the grievant at the address provided by the grievant.
- F. Expedited grievance procedure. The city council may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:
 - 1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment

- of the residential premises by other residents, or
2. Any drug-related criminal activity on or near such premises.
- G. The grievant shall be afforded a fair hearing before the hearing officer, which shall include:
1. The opportunity to examine before the grievance hearing documents, including records and regulations, that are directly relevant to the hearing. The tenant or landlord shall be allowed to copy any such document at their own expense. If the building and zoning administrator or police department does not make the document available for examination upon request by the grievant, the building and zoning administrator or police department may not rely on such document at the grievance hearing.
 2. The right to be represented by counsel or other person chosen as the landlord's or tenant's representative, and to have such person make statements on the tenant's behalf;
 3. The right to present evidence and arguments in support of the landlord's or tenant's grievance, to controvert evidence relied on by the police or building and zoning administrator, and to confront and cross-examine all witnesses upon whose testimony or information the police or building and zoning administrator relies; and
 4. A decision based solely and exclusively upon the facts presented at the hearing, based upon the preponderance of the evidence presented.
- H. The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.
- I. If the grievant fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for a time not to exceed five business days or may make a determination that the party has waived his right to a hearing. Both the landlord and tenant shall be notified of the determination by the hearing officer: Provided, that a determination that the grievant has waived his right to a hearing shall not constitute a waiver of any right the grievant may have to contest the disposition of the grievance in an appropriate judicial proceeding.
- J. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the police or building and zoning administrator must sustain the burden of justifying the action or failure to act against which the grievant is directed.
- K.

The hearing shall be conducted informally by the hearing officer and pertinent oral or documentary evidence may be received without strict compliance with the rules of evidence applicable to judicial proceedings. The hearing officer may rely on any evidence that prudent people would rely upon in the conduct of serious affairs. Failure to comply with the directions of the hearing officer to maintain decorum and order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, in the hearing officer's discretion.

- L. The hearing officer shall prepare a written decision, together with the reasons therefore, within a reasonable time after the hearing. A copy of the decision shall be mailed to the landlord grievant, and the tenant. A decision by the hearing officer which denies the relief requested by the grievant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the grievant may have to a trial on the original merits or judicial review in any judicial proceedings, which may thereafter be brought in the matter.
- M. The hearing officer's decision shall be limited to the question whether the landlord must begin eviction proceedings against the tenant. The hearing officer's decision may be appealed within ten days to the mayor, whose decision shall govern. In the event of appeal of a hearing officer's decision, the mayor shall conduct the appeal hearing under the same procedures described herein for the hearing officer.

(Ord. No. 8186, § 1, 3-16-2010)

5.142.090 - [Penalties for failure to complete lessor seminar.]

- A. Authority is given for tickets to be issued under the alternative ticket program as defined in Section 1.24.010 et seq. of the Granite City Municipal Code, to lessors who have failed to complete the lessor seminar as prescribed in Sections 5.142.030 and 5.142.040 of the Granite City Municipal Code. All tickets issued under Section 1.24.010 for the failure of lessor to so comply with Sections 5.142.030 and 5.142.040 of the Granite City Municipal Code shall be heard and adjudicated by the administrative hearing officer of the city of Granite City, before any fine on said ticket is due. Lessors who fail to complete the lessor seminar are subject to ticket for each business license they are applying for or currently own and are attempting to renew. Tickets may be issued semi-annually per business license until such time as the office of building and zoning is presented with documentation that the lessor completed the lessor seminar.
- B. The administrative hearing officer shall have the authority to issue fines of no more than

seven hundred fifty dollars per ticket issued under this section.

- C. This section is in addition to the remedies set forth in Section 5.142.050 of the Granite City Municipal Code.

(Ord. No. 8311, § 1, 9-4-2012)